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Attorneys for Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SANTA ANA DIVISION**

In re:

American Suzuki Motor Corporation,<sup>1</sup>  
  
Debtor.

Case No. 8:12-bk-22808-SC

Chapter 11

**APPLICATION FOR ORDER  
SHORTENING TIME FOR NOTICE OF  
MOTION AND MOTION FOR ORDER  
PURSUANT TO SECTION 365(A) OF THE  
BANKRUPTCY CODE AUTHORIZING  
DEBTOR TO REJECT AUTOMOTIVE  
DEALER AGREEMENT WITH JF  
ENTERPRISES, LLC, D/B/A JEREMY  
FRANKLIN'S SUZUKI OF KANSAS CITY  
AND GRANTING RELATED RELIEF;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF  
SHIRLEY S. CHO**

**[Relates to Docket No. 853]**

[Local Rule 9075-1(b)]

<sup>1</sup>The last four digits of the Debtor's federal tax identification number are (8739). The Debtor's address is: 3251 East Imperial Highway, Brea, CA 92821.

1 **TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE SCOTT C.**  
2 **CLARKSON, THE DEBTOR'S PREPETITION AND POSTPETITION LENDER,**  
3 **COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS, PARTIES**  
4 **REQUESTING SPECIAL NOTICE, FRANKLIN SUZUKI, AND THE OFFICE OF THE**  
5 **UNITED STATES TRUSTEE:**

6 American Suzuki Motor Corporation, the above-captioned debtor and debtor in possession  
7 (the "Debtor") in the above-entitled chapter 11 case, hereby moves this Court under Local  
8 Bankruptcy Rule 9075-1(b) (the "Application to Shorten Time") for an order shortening the notice  
9 period for the hearing on the *Notice of Motion and Motion for Order Pursuant to Section 365(a) of*  
10 *the Bankruptcy Code Authorizing Debtor to Reject Automotive Dealer Agreement with JF*  
11 *Enterprises, LLC, d/b/a Jeremy Franklin's Suzuki of Kansas City and Granting Related Relief;*  
12 *Memorandum of Points and Authorities; Declaration of M. Freddie Reiss Filed by Debtor American*  
13 *Suzuki Motor Corporation* filed concurrently herewith [Docket No. 853] (the "Motion"). By the  
14 Motion, the Debtor seeks to reject the automotive dealership agreement with JF Enterprises, LLC,  
15 d/b/a Jeremy Franklin's Suzuki of Kansas City ("Franklin").

16 The Debtor has filed a motion to estimate Franklin's unliquidated contingent claim [Docket  
17 No. 580], which motion is scheduled for February 22, 2013 at 9:30 a.m. pursuant to that scheduling  
18 order entered on January 22, 2013 [Docket No. 703]. By this Application to Shorten Time, the  
19 Debtor requests that the Court set a hearing on the Motion at the same date and time as the  
20 estimation hearing scheduled for February 22, 2013 at 9:30 a.m., and providing that any objections  
21 to the Motion, if any, be filed and served by February 19, 2013 at 12:00 p.m. The Debtor submits  
22 that if the Debtor had filed the Motion on negative notice under Local Bankruptcy Rule 9013-1,  
23 Franklin would have been required to file a response within 14 days or by February 19, 2013 in any  
24 event. The Debtor proposes to serve any Order Shortening Time granted pursuant to this  
25 Application and the Motion by email and facsimile upon counsel immediately upon entry of the  
26 Order Shortening Time.

27 Given that the parties will already be in attendance at the hearing on February 22, 2013 at  
28 9:30 a.m. and litigating Franklin's contingent claim, the Debtor submits that the interests of judicial  
economy and efficiency would be served by granting the Application to Shorten Time.

For the reasons stated herein and in the supporting declaration hereto the Debtor submits that this Application to Shorten Time is in the best interests of the estate and should be granted by the Court.

In accordance with Local Rule 9075-1(b), this Application to Shorten Time, filed with a copy of the Motion, will be served contemporaneously, via facsimile, email, or overnight/Express Mail delivery on (1) the Office of the United States Trustee, (2) counsel to the Official Committee of Unsecured Creditors, (3) counsel for Franklin, and (4) parties that file with the Court and serve upon the Debtor requests for notice of all matters in accordance with Bankruptcy Rule 2002(i). The Debtor submits that such notice is sufficient under the circumstances.

**WHEREFORE**, the Debtor respectfully requests that the Court issue and enter the Order filed currently herewith granting the Application to Shorten Time setting the hearing for February 22, 2013 at 9:30 a.m., providing that any objections to the Motion, if any, be filed and served by February 19, 2013 at 12:00 p.m., and providing that any replies be filed by February 21, 2012 at 3:00 p.m.

Dated: February 4, 2013

PACHULSKI STANG ZIEHL & JONES LLP

By /s/ Shirley S. Cho

Richard M. Pachulski  
James I. Stang  
Dean A. Ziehl  
Linda F. Cantor  
Debra I. Grassgreen  
Shirley S. Cho

Attorneys for Debtor and Debtor in  
Possession

**DECLARATION OF SHIRLEY S. CHO**

Shirley S. Cho, being duly sworn, hereby deposes and says:

1. I am an attorney at Pachulski Stang Ziehl & Jones LLP, bankruptcy counsel for American Suzuki Motor Corporation, a corporation organized under the laws of the State of California (the “Debtor”). I submit this declaration (the “Declaration”) in support of the above-captioned *Application for Order Shortening Time*.<sup>2</sup>

2. Except as otherwise indicated, all facts set forth in this Declaration are based on my personal knowledge, information supplied by employees under my supervision, or my opinion based on experience, knowledge, and information concerning the operations of the Debtor.

3. The hearing on the *Motion of Debtor for Order Estimating Maximum Allowable Amount of All Claims of JF Enterprises, LLC and Olathes Showcase Cars, Inc. for All Purposes in This Chapter 11 Case* is scheduled for February 22, 2013 at 9:30 a.m. before this Court.

4. For reasons stated herein and in the Application, I believe that shortening the time on the hearing on the Motion is in the best interests of the Debtor’s estate and creditors, and other parties in interest and will serve judicial economy as Franklin and all other parties in interest will already be in attendance at the hearing on February 22, 2013.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4<sup>th</sup> day of February 2013 at Los Angeles, California.

Shirley S. Cho

Shirley S. Cho

<sup>2</sup>Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10100 Santa Monica Blvd., Ste. 1300, Los Angeles, CA 90067

**APPLICATION FOR ORDER SHORTENING TIME FOR NOTICE OF MOTION AND MOTION FOR ORDER PURSUANT TO SECTION 365(A) OF THE BANKRUPTCY CODE AUTHORIZING DEBTOR TO REJECT AUTOMOTIVE DEALER AGREEMENT WITH JF ENTERPRISES, LLC, D/B/A JEREMY FRANKLIN'S SUZUKI OF KANSAS CITY AND GRANTING RELATED RELIEF; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF SHIRLEY S. CHO** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document was served by the court via NEF and hyperlink to the document. On (date) **February 4, 2013**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) **February 4, 2013**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Counsel for J.F. Enterprises  
Barry E. Bressler  
Schnader  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103-7286

Jeremy Franklin  
Managing Member  
JF Enterprises, LLC  
dba Jeremy Franklin's  
Suzuki of Kansas City  
6300 East 87<sup>th</sup> St.  
Kansas City, MO 64138-2727

Hector Espinosa, Member  
3015 Crystal Aire Ct.  
Grain Valley, MO 64029

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) **February 4, 2013**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**Via Overnight Mail**

The Honorable Scott C. Clarkson  
U.S. Bankruptcy Court  
411 West Fourth Street, Courtroom 5C  
Santa Ana, CA 92701-4593

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 4, 2013  
Date

Sophia L. Lee  
Printed Name

/s/Sophia L. Lee  
Signature

1. **SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

June 2012

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**F 9013-3.1.PROOF.SERVICE**

3. **SERVED BY UNITED STATES MAIL:**

Employment Development Dept. Bankruptcy Group MIC 92E PO Box 826880 Sacramento, CA 94280-0001	Internal Revenue Service PO Box 7346 Philadelphia, PA 19101	Securities & Exchange Commission 5670 Wilshire Blvd., 1th Floor Los Angeles, CA 90036
State Board of Equalization Attn: Special Procedures Section PO Box 942879, 450 N. St. Sacramento, CA 95814	US Attorney General US Dept. of Justice Ben Franklin Station PO Box 683 Washington, DC 20044	Franchise Tax Board CA Bankruptcy Section, MS: A-340 PO Box 2952 Sacramento, CA 95812-2952
Michael G. Wilson One Energy Plaza Jackson, MI 49201	Missouri Dept. of Revenue Bankruptcy Unit Attn: Steven A. Ginther P.O. Box 475 Jefferson City, MO 65105-0475	Tennessee Department of Revenue c/o Tennessee Attorney General's Office, Bankruptcy Division PO Box 20207 Nashville, TN 37202-0207

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